

ALLAN S. BLOOM  
STEPHEN P. SONNENBERG  
KELSEY G. VAN WART  
PAUL HASTINGS LLP  
75 East 55th Street  
New York, New York 10022  
(212) 318-6000

*Attorneys for Defendant*  
HSBC BANK USA, N.A.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOHN CRUZ,

Plaintiff,

- against -

HSBC BANK USA, N.A.,

Defendant.

No. 12 Civ. 06088 (LDW) (ARL)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated May 6, 2013, and all other pleadings, papers and proceedings herein, Defendant HSBC Bank USA, N.A. will move this Court, at the Long Island Federal Courthouse, 100 Federal Plaza, Central Islip, New York, on such date and at such time as the Court may direct, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Plaintiff's First Amended Complaint with prejudice for failure to state a claim upon which relief can be granted, and for such other and further relief that the Court deems just and proper.

Dated: New York, New York  
May 6, 2013

Respectfully submitted,

PAUL HASTINGS LLP

By:



Allan S. Bloom  
Stephen P. Sonnenberg  
Kelsey G. Van Wart

75 East 55th Street  
New York, New York 10022  
(212) 318-6000

*Attorneys for Defendant*  
HSBC BANK USA, N.A.

TO: Andrew Grosso, Esq.  
ANDREW GROSSO & ASSOCIATES  
1101 30th Street, NW, Suite 300  
Washington, DC 20007

*Attorneys for Plaintiff*